

Sir:

In response to the July 2, 2002 Office Action in the above-referenced patent application, please amend the application as follows:

In the Claims¹

Please amend claims 1, 5 and 10 to read as follows:

1) A method for lowering chemotherapy-induced resistance in a patient being treated with a chemotherapeutic agent for a cancer, the method comprising:

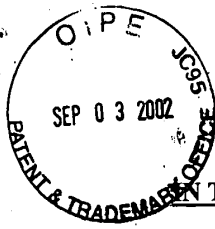
infecting the patient with an effective amount of AAV-2 to lower the chemotherapy-induced resistance to the chemotherapeutic agent, in combination with administering a chemotherapeutic agent patient; and

determining if the chemotherapy-induced resistance to the chemotherapeutic agent is lowered.

5) The method according to any of claims 1 to 4, wherein the AAV-2 is administered intravenously, cutaneously, orally or intratumorally.

10) A method for reversing chemotherapy-induced resistance in a patient suffering from a small cell lung carcinoma cancer and previously treated for the cancer by a chemotherapeutic agent selected from the group consisting of cisplatin, etoposide and cisplatin/etoposide, the method comprising:

¹ Consistent with the requirements of 37 C.F.R. §1.121, a marked up version of the amended claims is contained in Appendix A hereof; a clean copy of all pending claims is contained in Appendix B hereof. Consistent with the holding of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd.*, et al., 535 U.S. ____ (2002), decided May 28, 2002, any amendments herein that hereafter are deemed to be narrowing amendments by a court of competent jurisdiction in a final unappealed or unappealable decision, are not intended to relinquish any scope of equivalents unforeseeable at the time of this amendment or that relate to aspects of the invention having only a peripheral relation to the basis for the amendment.



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THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re United States Patent Application of:)
)
Applicant: Von Knebel-Doeberitz, et al.)
)
Serial No.: 09/719,336)
)
Date Filed: March 22, 2001)
)
Title: USE OF ADENO-ASSOCIATED)
VIRUSES FOR DECREASING)
THE RADIOTHERAPY-INDUCED)
OR CHEMOTHERAPY-INDUCED)
RESISTANCE IN CANCER)
PATIENTS)

Docket No.: 4121-121

Examiner: C. Qian

Art Group: 1633

Paper No.: 11



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PATENT, TRADEMARK OFFICE

EXPRESS MAIL CERTIFICATE

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified below, in an Express Mail envelope addressed to the Commissioner for Patents, Box After Final, Washington, DC 20231, and Express Mailed under the provisions of 37 CFR 1.10.


Blake Crouch

September 3, 2002

Date of Mailing

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AMENDMENT RESPONDING TO JULY 2, 2002 OFFICE ACTION
IN U.S. PATENT APPLICATION NO. 09/719,336

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